



DAVID SANDERS, Ph.D
Director

County of Los Angeles DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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(213) 351-5602

August 12, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED
BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

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EXECUTIVE OFFICER

Dear Supervisors:

REQUEST TO APPROVE THE FOSTER FAMILY AGENCY FOSTER CARE (FFA-FC) FORM AGREEMENT (ALL SUPERVISORIAL DISTRICTS) (3 VOTES)

IT IS RECOMMENDED THAT YOUR BOARD:

1. Approve the attached Foster Family Agency-Foster Care (FFA-FC) Form Agreement (Form Agreement), Attachment A, for provision of FFA-FC services, including training of certified foster parents, face-to-face visits with each child at specified intervals, availability of qualified social work personnel on a 24-hour basis, development of needs and services plans for each child, monitoring foster parent compliance with requirements, etc.
2. Delegate authority to the Director of the Department of Children and Family Services (DCFS), or his designee, to execute the Form Agreement with the seventy-three (73) foster family agencies (FFAs) indicated on Attachment B for provision of FFA-FC services, effective September 1, 2003, or date of execution, whichever is later, through August 31, 2004, with two (2) optional one-year renewal periods, and a six-month extension, if necessary, to complete the negotiation or solicitation of a new contract. The estimated fiscal year FY 2003-2004 cost for these agreements is \$156,248,198, which will be financed using approximately \$139,552,388 (61.23%) federal/State revenue and \$16,695,810 (38.77%) net County cost (NCC). DCFS' FY 2003-04 Assistance Budget includes the funding for these costs.

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3. Delegate authority to the Director of DCFS, or his designee, to execute amendments to exercise the two one-year options after County Counsel and Chief Administrative Office (CAO) approval; and instruct the Director to notify your Board and the CAO in writing within ten workdays of executing the amendments.
4. Delegate authority to the Director of DCFS, or his designee, to execute amendments to extend the Form Agreements up to six (6) months, if necessary, to complete the negotiation or solicitation of a new contract after County Counsel and CAO approval; and instruct the Director to notify your Board and the CAO in writing within ten workdays of executing the amendments.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS

DCFS has the responsibility to ensure the safety and welfare of children under its supervision. FFAs have the capacity to provide specialized programs to ensure safe, secure, and nurturing living environments for children placed in certified foster homes. The recommended actions will enable DCFS to continue to utilize FFA placements and establish more comprehensive program standards for FFAs providing care for children under DCFS' supervision.

Implementation of Strategic Plan Goals

The recommended actions are consistent with the principles of the Countywide Strategic Plan, Goal No. 5, (Children and Families Well-Being). The recommended actions will enable DCFS to work collaboratively with FFAs to provide a safe, protective, and nurturing environment for children under its supervision and to ensure the ongoing commitment to the safety and welfare of children in foster care.

FISCAL IMPACT/FINANCING

The foster care program is an entitlement program mandated by the Adoption Assistance and Child Welfare Act of 1980. The State sets reimbursement rates for foster homes based on the age of the child. The basic foster home rate is provided to the FFAs, as well as reimbursement for social work and administrative costs (which are also set by the State). The FFAs forward the basic foster home reimbursement to the foster homes.

The estimated FY 2003-2004 cost of these agreements is \$156,248,198, which will be financed using approximately \$139,552,388 (61.23%) federal/State revenue and

\$16,695,810 (38.77%) NCC. Funding is included in the DCFS' FY 2003-04 Assistance Budget.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

DCFS is responsible for foster care placements and disbursements of Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments established by the California Department of Social Services (CDSS) Foster Care Funding and Rates Bureau. Counties are responsible for placing children in foster care and making payments to providers.

FFA placements are utilized for approximately 7,500 children currently under the supervision of DCFS. These foster children require placements that can provide foster care services in nurturing familial environments and that meet their physical, emotional, social, educational, spiritual and cultural needs. DCFS currently contracts with 73 FFAs, with each agency having up to 250 certified foster homes.

This FFA-FC Form Agreement allows DCFS to continue these services and establish program standards for FFAs providing out-of-home care to DCFS placed children. DCFS began utilizing the form agreement format for FFAs in October 1995. The Form Agreements will be effective September 1, 2003 or date of execution, whichever is later, through August 31, 2004, with two (2) optional one (1) year renewal periods, and a six (6) month extension, if necessary, to complete the negotiation or solicitation of a new contract. The current FFA-FC form agreement expires on August 31, 2003.

This FFA-FC Form Agreement emphasizes child health and safety, provides for improved quality of life for DCFS-placed foster children and youth, and details the County and FFA's responsibilities. Each FFA provider will develop and submit for approval a Program Statement based on the provisions contained in this FFA-FC Form Agreement.

This Form Agreement represents an extensive negotiation process between DCFS and representatives of the FFA providers. The two parties worked closely to develop a new agreement, and in so doing, developed a better understanding of each other's needs in performing their respective functions that make the placement process work.

DCFS participated in meetings from September 2002 through June 2003 to negotiate with representatives of the FFA providers to develop the attached FFA-FC Form Agreement. The result is a less cumbersome and more concise document than the existing FFA-FC form agreement, while continuing to ensure child safety.

County Counsel and the CAO have reviewed this Board letter. The attached Form Agreement has been approved as to form by County Counsel.

CONTRACTING PROCESS

The contract opportunity for this Form Agreement was not listed on the County's Office of Small Business Web Site, because DCFS utilized procurement by negotiation to develop agreements with FFA providers currently under contract. The CDSS Management and Office Procedures Manual, Section 23-650, allows contracts to be negotiated without formal advertising when rates established by the State are to be used for payments and CDSS has notified the counties that formal advertising is not necessary for a particular program. DCFS received such authorization from CDSS, in a letter dated March 29, 2001.

DCFS negotiated with the FFA Council, a consortium of FFA providers selected by many of the FFAs, to negotiate their concerns with DCFS.

This Form Agreement will also be made available to other FFAs who are able and willing to provide FFA services.

DCFS will return to the Board to request approval of new FFAs, in the event that agreements with additional FFAs are necessary.

DCFS has evaluated and determined that the Living Wage Ordinance Program (County Code Chapter 2.201) does not apply to the recommended Form Agreement.

IMPACT ON CURRENT SERVICES

Approval of the FFA-FC Agreement will ensure uninterrupted placement services to these children placed in, and requiring placement in, FFA homes.

CONCLUSION

Upon approval of this request, instruct the Executive Office/Clerk of the Board to send an adopted copy of this Board Letter to:

1. Department of Children and Family Services
Contracts Administration
Attention: Walter Chan, Manager
425 Shatto Place, Room 205
Los Angeles, CA 90020

This Form Agreement expressly provides that the County has the absolute right to conduct reviews of the use of funds for possible fiscal abuse as it relates to quality of life issues for children placed in FFAs. It also allows the County to determine the appropriate disposition of unallowable expenditures.

This Form Agreement includes a provision stating that FFAs agree to participate in the collection and reporting of outcome data related to child safety, well-being, and permanency. It also states that the County and FFAs mutually agree to work together to assign a joint task group to develop a performance report card and other performance measures to be determined by the task group.

DCFS consulted with the CAO Risk Management Operations (RMO) to develop appropriate indemnification and insurance provisions.

The following sections of this Form Agreement deviate from Board required language: 1) Mutual Indemnification; 2) General Insurance Requirements; 3) Insurance Coverage Requirements; 4) Limitation of County's Obligation due to Non-Appropriation of Funds; 5) Conflict of Interest; 6) Agreement Enforcement Quality Assurance Plan, Monitoring and Review; and 7) Consideration of Hiring County Employees Targeted for Layoff or on Reemployment List.

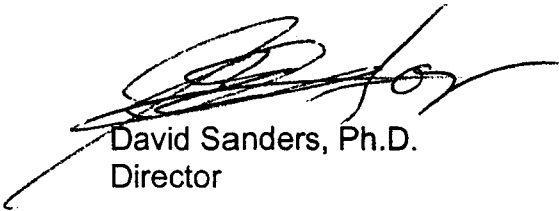
The format of the Statement of Work (SOW), Exhibit A, has been changed to clearly delineate the requirements of the parties and to accommodate cross-referencing. The SOW includes a provision that helps to ensure that all reasonable efforts are made to stabilize a child's placement and to determine whether any additional services may be provided to a child, without resorting to an unnecessary and traumatizing replacement of a child from an FFA home. The SOW also states that the County and the FFAs will conduct a case conference to determine whether a child's placement may be stabilized and/or additional services may be provided, without removing a child from an FFA home. The SOW further requires that the County and FFA will pursue appropriate performance indicators to be measured and reported on regarding increased placement stability.

The SOW also includes a provision that requires the FFA to provide DCFS with information concerning the work schedules and/or outside commitments and day care plan for a placed child (if appropriate) and provide information to the County relating to any child abuse/neglect referrals and/or allegations which have been made concerning the proposed certified family home/certified foster parents, and describe action the FFA has taken in response to such referrals/allegations.

2. Office of the County Counsel
Advice and Litigation Division
Attention: Rose Belda, Principal Deputy County Counsel
201 Centre Plaza Drive

3. Monterey Park, CA 91754
Department of Children and Family Services
Out of Home Care Programs
Attention: Ed Sosa, Division Chief
2525 Corporate Place
Monterey Park, CA 91754

Respectfully submitted,



David Sanders, Ph.D.
Director

DS:ARC
WC:SN:dm
O:DM/Foster Family Agency/BI for FFAs (8/12/03)

Attachments

- c: Chief Administrative Officer
Auditor-Controller